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|--|-------------|----------------------|----------------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO. |
| 09/996,519   | 11/29/2001  | Natsuko Yotsumoto    | 450101-03635                     | 3537             |
| 20999 7590 03/12/2007<br>FROMMER LAWRENCE & HAUG<br>745 FIFTH AVENUE- 10TH FL.<br>NEW YORK, NY 10151 |             |                      | EXAMINER<br>CHOWDHURY, SUMAIYA A |                  |
|  |             |                      | ART UNIT                         | PAPER NUMBER     |
|  |             |                      | 2623                             |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE                    |                  |
| 3 MONTHS   |             | 03/12/2007           | PAPER                            |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/996,519             |  | YOTSUMOTO ET AL.    |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Sumaiya A. Chowdhury   |  | 2623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 2/6/07, with respect to claims 1-5 have been fully considered and are persuasive. The Office Action of 11/27/06 has been withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer in view of Walker (6,263,505) and Hendricks (7013478).

As for claim 1, Boyer discloses an information processing apparatus comprising:

first acquisition means (receiver) for acquiring the first information (TV broadcast)

– [0078], [0090], [0097], [0106];

first registration means (136 – Fig. 4) for registering the first subsidiary information required for acquiring said first information – (The welcome page (136) allows the user to register his zip code or city selection as shown in Fig. 8 in combination with registration page 162 – Fig. 9, such that the user could receive programming specific to one's area. – [0080], [0081], [0082], [0090], [0094]);

second acquisition means (receiver) for acquiring the second information (web content) – (It is an internet television [0053], [0055], [0057]);

second registration means (136 – Fig. 4) for registering the second subsidiary information required for acquiring said second information; - (The welcome page (136) allows the user to register his zip code or city selection as shown in Fig. 8 in combination with registration page 162 – Fig. 9, such that the user could receive programming specific to one's area. – [0080], [0081], [0082], [0090], [0094]);

verifying means (170 – Fig. 10) for verifying whether or not said first subsidiary information or said second subsidiary information has already been registered (If the user is registered, the local cable site page (170 – Fig. 10) is presented to the user and the user could select programming specific to his particular area. If not registered, another web page will be presented to the user such as element 124 in Fig. 4 where the user will have to enter in his zip code to start receiving programming specific to his particular area– [0082], [0090]);

wherein said first registration means or said second registration means using, if one of said first subsidiary information and said second subsidiary information is already registered, said one subsidiary information already registered for registration of the other subsidiary information (Once the user registers oneself as discussed above, the system automatically registers for both the first information and second information since it is an internet television system as discussed above.).

Even though Boyer teaches acquiring information related to the information content, Boyer fails to teach:

wherein the first acquisition means and the second acquisition means acquire information via distinct terminals.

wherein subsidiary information content comprised of both first subsidiary information content and second subsidiary information content is stored in memory to be held after power down.

In an analogous art, Walker teaches acquiring data from various terminals such as a web site server (70 – Fig. 1) and CATV Headend (10 – Fig. 1) – col. 7, lines 18-35, lines 55-63, col. 8, lines 5-10. The advantage of doing so would be to reduce the processing and storing of content at just one terminal and to independently get data from separate sources.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Boyer's invention to include wherein the first acquisition means and the second acquisition means acquire information via distinct terminals, as taught by Walker, for the advantage of reducing the processing and storing of content at just one terminal and to independently get data from separate sources.

However, Walker and Boyer fail to teach:

wherein subsidiary information content comprised of both first subsidiary information content and second subsidiary information content is stored in memory to be held after power down.

In an analogous art, Hendricks teaches viewer information is created and **indefinitely** stored in **nonvolatile memory** – col. 33, line 53 – col. 34, line 6. Nonvolatile memory is well known for retaining storage information even when not powered by the computing device.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Walker and Boyer's invention to include the above mentioned limitation, as taught by Hendricks, for the advantage of retaining viewer information indefinitely even when the computing device is not powered.

As for claim 2, Boyer, Walker, and Hendricks disclose the claimed limitations. In particular, Boyer discloses:

said first acquisition means acquires the contents of the television broadcast as said first information - [0078], [0090], [0097], [0106];

said second acquisition means acquiring web contents as said second information from a server (20 – Fig. 1) over the Internet (24 – Fig. 1) – [0053], [0055].

As for claim 3, Boyer, Walker, and Hendricks disclose the claimed limitations. In particular, Boyer discloses said subsidiary information (zip code, city name) is the information pertinent to the broadcast territories for setting the reception channel in said television broadcast – [0078], [0080], [0081], [0082];

said second subsidiary information being the information pertinent to a provider (local cable system operator) for connection to said Internet – [0078], [0081], [0082].

Claims 4 and 5 contain the limitations of claim 1 and are analyzed as previously discussed with respect to those claims.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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